UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,268	12/02/2003	Greg Miller	03-40216-US	3359

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EXAMINER
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ART UNIT	PAPER NUMBER
3623	

NOTIFICATION DATE	DELIVERY MODE
12/26/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

thibbits@gibbonslaw.com
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *22 October 2008*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *6-16 and 21-25* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *6-16 and 21-25* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some *   c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   The following is a **FINAL** office action upon examination of application number

10/726,268. Claims 6-16 and 21-25 are pending in the application and have been

examined on the merits discussed below.

Response to Amendment

2.   In the response filed October 22, 2008, claims 17-20 have been canceled and

claims 6 and 11 have been amended.

3.   The previous objection to the specification is withdrawn in view of the

replacement specification submitted on October 22, 2008.

4.   The previous rejection of claims 17-20 raised under 35 USC 112, second

paragraph, are withdrawn in view of the cancellation of these claims in the response

filed October 22, 2008.

Response to Arguments

5.   Applicant's arguments filed October 22, 2008 have been fully considered but they

are not persuasive.

       Applicant argues that Beckhardt fails to teach generating a meeting in

accordance with at least one business rule and at least one priority designation.

Applicant asserts that "business rule" is not mere system logic, and instead relies on "its

conventional sense as a rule by which an organization operates, a statement that

constrains an aspect of a business and/or a business operation reflected in a database

design". Applicant further argues that Beckhardt does not teach or suggest using any

business rules, instead using simple logic.

The Examiner respectfully disagrees. The Examiner asserts that these business

rules have been automated by Beckhardt et al. in the form of software (i.e., computer

logic). Column 5, line 32 – Column 7, line 15 describes the methodology used by

Beckhardt et al. in generating a "best fit" meeting appointment. Among the steps taken

include the weighting of resources and invitees, with higher weighting being assigned to

more "important" resources and invitees, which constitutes a "business rule", or a rule

under which the organization operates. Further, Beckhardt et al. contemplates the

accommodation of invitees in different time zones and work locations, which also

constitutes another "business rule". Therefore, the Examiner asserts that Beckhardt et

al. does indeed teach "business rules".

Official Notice

6.   In the previous Office Action mailed July 22, 2008, notice was taken by the

Examiner that certain subject matter is old and well known in the art. Per MPEP

2144.03(c), these statements are taken as admitted prior art because no traversal of

this statement was made in the subsequent response. Specifically, it has been taken as

prior art that:

- Using DLLs to store commonly used subroutines and HTML templates are old and well known in the art of programming in a windows environment utilizing web technologies

- Calendaring systems display (report) day/week/month appointments/meetings

- Tracking a type, status, estimated amount, and actual amount for each expense is old and well known to those of ordinary skill in the art

- Including a phone number in a contacts database is old and well known to those of ordinary skill in the art

Priority

7.   Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Although the specification has been amended to include the relationship between the applications in compliance with 37 CFR 1.78(a) and 35 USC 120, because this was not done within the later of four months from the actual filing date of the [instant] application or sixteen months from the filing date of the prior application, the benefit claim has not been recognized by the Office. The fact that the instant application was published without the benefit claim is further evidence that the benefit claim has not been recognized by the Office. Further, there is no benefit claim to the provisional application 60/408,066. Thus, to be granted a benefit claim, it must be accompanied by a grantable petition under 37 CFR 1.78(a)(3) and (a)(6), as explained below.

If the instant application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition

should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450,

Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time

period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or

an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference

was submitted in an oath or declaration or the application transmittal letter), and the

information concerning the benefit claim was recognized by the Office as shown by its

inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge

under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference

in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the

specification or an ADS. See MPEP § 201.11.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

9.   Claims 6-25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Claim 6 recites: "A planning system comprising: at least one business rule ...; a

meeting editor ...; and at least one tracker ..." However, a computer implemented

system without structure, where the components of the system are disembodied

software is indefinite.

10.   Claim 6 recites the limitation " the at least two of the data items...". There is

insufficient antecedent basis for this limitation in the claim. Specifically, claim 6 recites

"said priority designation weights the at least two of the data items...". However, claim

6 only establishes that the tracker "tracks data items.." and there is no indication that "at

least two" data items are tracked. Further, it is unclear whether the data items being

weighted are in reference to the data items tracked by the tracker. Reconciliation of the

verbiage and establishment of antecedent basis is required; the Examiner recommends

rewording the claim such that "said priority designation weights the tracked data items

for...".

        Claims 7-25 depend from claim 6 and are similarly deficient. Appropriate

amendment is requested.

Claim Rejections - 35 USC § 101

11.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

12.   Claims 6-25 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

       Claim 6 recites: "A planning system comprising: at least one business rule ...; a

meeting editor ...; and at least one tracker ...;" However, a planning system without

structure, where the components of the system are disclosed as encompassing

computer software is disembodied software per se, and software per se is non-

statutory.

       As per MPEP 2106.01:

       Descriptive material can be characterized as either "functional descriptive
       material" or "nonfunctional descriptive material." In this context, "functional
       descriptive material" consists of data structures and computer programs which
       impart functionality when employed as a computer component. (The definition of
       "data structure" is "a physical or logical relationship among data elements,
       designed to support specific data manipulation functions." The New IEEE
       Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).)
       "Nonfunctional descriptive material" includes but is not limited to music, literary
       works, and a compilation or mere arrangement of data.

       Both types of "descriptive material" are nonstatutory when claimed as
       descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When
       functional descriptive material is recorded on some computer-readable medium,
       it becomes structurally and functionally interrelated to the medium and will be
       statutory in most cases since use of technology permits the function of the
       descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84,
       32 USPQ2d 1031, 1035 (Fed. Cir. 1994)(discussing patentable weight of data
       structure limitations in the context of a statutory claim to a data structure stored
       on a computer readable medium that increases computer efficiency) and >In re<
       Warmerdam, 33 F.3d *>1354,< 1360-61, 31 USPQ2d *>1754,< 1759 (claim to
       computer having a specific data structure stored in memory held statutory
       product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at
       1760 (claim to a data structure *per se* held nonstatutory).

When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See >Diamond v.< *Diehr*, 450 U.S. *>175,< 185-86, 209 USPQ *>1,< 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer."). Such a result would exalt form over substance. *In re Sarkar*, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978) ("[E]ach invention must be evaluated as claimed; yet semantogenic considerations preclude a determination based solely on words appearing in the claims. In the final analysis under § **101**, the claimed invention, as a whole, must be evaluated for what it is.") (quoted with approval in *Abele*, 684 F.2d at 907, 214 USPQ at 687). See also *In re Johnson*, 589 F.2d 1070, 1077, 200 USPQ 199, 206 (CCPA 1978) ("form of the claim is often an exercise in drafting"). Thus, nonstatutory music is not a computer component, and it does not become statutory by merely recording it on a compact disk. Protection for this type of work is provided under the copyright law.

When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory and should be rejected under 35 U.S.C. **101**.

Data structures not claimed as embodied in computer-readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines

structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Accordingly, it is important to distinguish claims that define descriptive material *per se* from claims that define statutory inventions.

Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and USPTO personnel should treat a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material.

A software program not embodied on computer-readable or computer-executable medium is software per se. Software, programming, instructions or code not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in a computer. When such descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases. Claims 6-16 and 21-25 do not utilize the proper computer program format and effectively recite descriptive material (software) per se. Claims 6-16 and 21-25 are therefore deemed to be directed to non-statutory subject matter where there is no indication that the proposed software is recorded on computer-readable medium and/or capable of execution by a computer.

Furthermore, software, programming, instructions or code not claimed as being computer executable are not statutory because they are not capable of causing functional change in a computer. In contrast, when a claimed computer-readable medium encoded with a computer program defines structural and functional

interrelationships between the computer and the program, and the computer is capable

of executing the program, allowing the program's functionality to be realized, the

program will be statutory.

Specifically, claim 6 is deemed to be software per se because there are no

structural elements capable of executing the proposed software. Although claim 6 has

been specified as being embodied in a computer readable medium, it still lacks a

structural relationship between the computer and the program; therefore, the

functionality of the program remains unrealized.

Claims 7-16 and 21-25 depend from claim 6 and are similarly deficient.

Appropriate amendment is required.

Double Patenting

13.   The nonstatutory double patenting rejection is based on a judicially created

doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees.   A nonstatutory

obviousness-type double patenting rejection is appropriate where the conflicting claims

are not identical, but at least one examined application claim is not patentably distinct

from the reference claim(s) because the examined application claim is either anticipated

by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140

F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29

USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163

USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)

may be used to overcome an actual or provisional rejection based on a nonstatutory

double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of

activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a

terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with

37 CFR 3.73(b).

14.   Claims 6-13, 18 and 20 are provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 1, 3-5, 10, 11,

13, 15, and 16 of copending Application No. 10/949,890 in view of Bingham et al. (US-

PAT-NO: US 6,324,517 B1).

This is a <u>provisional</u> obviousness-type double patenting rejection.

The following table shows the claims in application 10/726,268 (current application) that are rejected by corresponding claims in 10/949,890.

Table 1 - Claims Comparison

	10/726,268	10/949,890
Claims:	6, 13	1
	7	3
	8	4
	9	5
	10	10
	11	11
	12	13
	18	15
	20	16

Regarding claims 6 and 13 of this application, the claims are directed toward the same subject matter as claim 1 of application 10/949,890 except for the following:

- Claim 1 of application 10/949,890 cites the limitation "at least one tracker comprising a database having different viewing, entering, and modifying characteristics for each of the users and each of the clients". This application recites (claim 6) "at least one tracker wherein the at least one tracker tracks at least two data items". Although the conflicting claims are not identical, they are

not patentably distinct from each other because it would have been obvious to
one of ordinary skill in the art at the time of the invention to utilize a database for
tracking data (cited in claim 13 of this application). In addition, it would have
been obvious to one of ordinary skill in the art at the time of the invention to
create user groups of different privileges in order to secure the system's data
(protect sensitive data and restrict additions, modifications, or deletions of system
data to certain individuals).

- Claim 1 of application 10/949,890 omits tracking "at least one speaker ... and at
  least one host of the at least one meeting". However, claim 1 recites tracking
  invitees, respondents, agenda, finances, and venue. Although the conflicting
  claims are not identical, they are not patentably distinct from each other because
  it would have been obvious to one of ordinary skill in the art at the time of the
  invention to consider the speaker and host of a meeting as invitees.

- Claim 6 of this application omits tracing "an agenda of the meeting" but recites
  tracking invitees, respondents, speaker, host, finances and venue. Although the
  conflicting claims are not identical, they are not patentably distinct from each
  other because it would have been obvious to one of ordinary skill in the art at the
  time of the invention to track a meeting's agenda as current agendas are
  circulated among the invitees and participants of a meeting and might require
  version control.

- Claim 6 of this application tracks data based on a priority designation while claim
  1 of application 10/949,890 tracks the venue and finances based on geographic

territories. Although the conflicting claims are not identical, they are not

patentably distinct from each other because it would have been obvious to one of

ordinary skill in the art to prioritize a venue and finances of a meeting based on a

geographic locations. According to Bingham, column 2, lines 49-58 "One

computer implemented method for selecting a meeting facility for hosting a

meeting consistent with the present invention comprises a plurality of steps. The

steps include: (1) receiving a range of dates, a list of attendees of the meeting,

and, an originating location for each of the attendees; (2) calculating an all-

inclusive cost for hosting the meeting at each of a plurality of potential meeting

facilities based on the specified range of dates and the specified list of attendees;

and (3) ranking the plurality of potential meeting facilities based on the calculated

all-inclusive costs." In addition, in column 6, lines 3-18: "FIG. 5 is a diagram

illustrating the database management server (DBMS) 500. The purpose of DBMS

500 is to store the data tables used in the calculation of the all-inclusive meeting

cost and to store other information about each facility and the meeting planner.

The user profile table 510 contains information specific to planners that are

registered at application server 400. Origin tables 520 contain location

information relating to the origination of attendees. Transportation tables 530

include information necessary in calculating the cost of getting attendees from

their origin to their destination cities. Metro table 540 includes information specific

to a given metro area, such as typical meal costs, taxi rates, public transportation

costs, etc. Property table 550 includes information about meeting facilities used

to calculate the all-inclusive meeting cost, as well as the quality, amenity, and

meeting room information for each facility."

- Regarding claims 7-12, 18, and 20, these claims map directly to other claims of

   application 10/949,890 as set forth above.

Claim Rejections - 35 USC § 102

15.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16.   Claims 6-11, 13-16, 21-22, and 24 rejected under 35 U.S.C. 102(b) as being

anticipated by Beckhardt et al. (US Patent # 6,085,166).

Claim 6:

        Beckhardt, as shown, discloses the following limitations:

A planning system being embodied in a computer readable medium comprising:

- ***at least one business rule*** (see at least Figure 3 and 4 and corresponding text;

   column 5, line 32 – column 7, line 15, "The system then compares the list of busy

   times generated from the user's availability information to determine whether the

   user is available or not, in step 106.... According to an embodiment of the present

   invention, in step 106, invitee's profile information may be used when determining

availability. Specifically, the invitee's time zone and work location may be considered if the event is to take place at a location remote from the invitee's work location…. If an invitee is in a different time zone or place, and plans on physically attending the proposed event, then the user coordinator of the event is prompted to decide whether to make adjustments to ensure the availability of that invitee… A method according to an embodiment of the present invention also allows coordinators or users to change work hours, time zone, and place of work from a default setting to conform with information on a set travel itinerary. Using this method, invitees having travel plans on a given day may nonetheless have their availability taken into account for a proposed event occurring during that day…. Information such as room capacity and built-in resources are taken into account when determining availability and suitability for a proposed event…If there is no such time interval during which all invitees are available, the system proceeds to determine a "best fit" in step 108… the first step is that the coordinator is requested to assign a weight for each invitee in step 112. That step may be performed at the time the coordinator is asked to invite the resources or persons or may be delayed until a determination is made as to whether free time for all invitees may be located. Alternatively, default values may be assigned to types of resources. For example, the chairman and the conference room may be assigned a high weighting whereas other individuals may be assigned lower weighting…. In the next step, steps 116 and 118, this method chooses an available time interval based on the lowest weighted value.

A value of zero would mean that everyone invited count attend the proposed
event at the suggested time interval. In this embodiment, in step 116, the system
selects the time interval with the lowest weighted unavailability value. In step
118, the system then eliminates the invitee or resource with the lowest weighting
assigned thereto. That new grouping is then returned to steps 104 and 106 to
determine the busy times for the new set of invitees and to compare to determine
whether those invitees are available at the requested time to determine the busy
times for those create a new busy time file with the new reduced list of invitees.
The process repeats steps 104, 106, and 108 until a time interval is found based
on the reduced number of invitees. That time is presented to the coordinator as
a proposed alternative time with the "best fit");

- ***at least one priority designation*** (see at least Figure 3 and 4 and
  corresponding text, column 6, lines 15-35, "If there is no such time interval during
  which all invitees are available, the system proceeds to determine a "best fit" in
  step 108… the first step is that the coordinator is requested to assign a weight for
  each invitee in step 112. That step may be performed at the time the coordinator
  is asked to invite the resources or persons or may be delayed until a
  determination is made as to whether free time for all invitees may be located.
  Alternatively, default values may be assigned to types of resources. For
  example, the chairman and the conference room may be assigned a high
  weighting whereas other individuals may be assigned lower weighting");

- ***a meeting editor, wherein at least one meeting is generated for at least one client by the meeting editor in accordance with the at least one business rule and the at least one priority designation*** (see at least Figure 1 and corresponding text, and column 3, lines 5-8 "Specifically, when a coordinator of an event desires to schedule the event using the system according to an embodiment of the present invention, the coordinator specifies the date, time, duration and selects one or more invitees.")*; and*

- ***at least one tracker communicatively connected to the meeting editor*** (see at least Figure 1 and corresponding text)*,* ***wherein the at least one tracker tracks data items indicative of invitees to the at least one meeting*** (see at least column 3, lines 9-11): "Invitees, as detailed below, may comprise users, resources (such as computer equipment, for example), or rooms, for example.")*,* ***respondents to invitation to the at least one meeting, at least one speaker of the at least one meeting, at least one host of the at least one meeting, finances of the at least one meeting, and a venue of the at least one meeting*** (see at least column 3, lines 9-11): "Invitees, as detailed below, may comprise users, resources (such as computer equipment, for example), or rooms, for example.")*,* ***and wherein the at least one tracker communicates the at least two data items with the meeting editor*** (see at least Figure 1 and corresponding text)*,*

- ***wherein said priority designation weights the at least two of the data items for the at least one meeting differently when the meeting editor generates***

the at least one meeting in accordance with the at least one business rule

(see at least Figure 3 and 4 and corresponding text; column 6, lines 15-35, "If

there is no such time interval during which all invitees are available, the system

proceeds to determine a "best fit" in step 108... the first step is that the

coordinator is requested to assign a weight for each invitee in step 112. That

step may be performed at the time the coordinator is asked to invite the

resources or persons or may be delayed until a determination is made as to

whether free time for all invitees may be located. Alternatively, default values

may be assigned to types of resources. For example, the chairman and the

conference room may be assigned a high weighting whereas other individuals

may be assigned lower weighting"; column 6, line 66 – column 7, line 15, "In the

next step, steps 116 and 118, this method chooses an available time interval

based on the lowest weighted value. A value of zero would mean that everyone

invited count attend the proposed event at the suggested time interval. In this

embodiment, in step 116, the system selects the time interval with the lowest

weighted unavailability value. In step 118, the system then eliminates the invitee

or resource with the lowest weighting assigned thereto. That new grouping is

then returned to steps 104 and 106 to determine the busy times for the new set

of invitees and to compare to determine whether those invitees are available at

the requested time to determine the busy times for those create a new busy time

file with the new reduced list of invitees. The process repeats steps 104, 106,

and 108 until a time interval is found based on the reduced number of invitees.

That time is presented to the coordinator as a proposed alternative time with the
"best fit").

Claim 7:

Beckhardt discloses all the limitations of claim 6 as shown above. Furthermore,
Beckhardt, as shown, discloses the following limitations:

- ***wherein at least one of the at least one client is at least one selected from
  the group consisting of at least one system administrator, at least one
  meeting planner*** (see at least see column 3, lines 5-8 "Specifically, when a
  coordinator of an event desires to schedule the event using the system according
  to an embodiment of the present invention, the coordinator specifies the date,
  time, duration and selects one or more invitees."), ***at least one meeting
  attendee, at least one speaker, and at least one service supplier.***

Claim 8:

Beckhardt discloses all the limitations of claim 6 as shown above. Furthermore,
Beckhardt, as shown, discloses the following limitations:

- ***wherein said meeting editor comprises:***
  - ***a meeting set-up module for setting up each meeting*** (see at least see
    column 3, lines 5-8 "Specifically, when a coordinator of an event desires to
    schedule the event using the system according to an embodiment of the

present invention, the coordinator specifies the date, time, duration and
selects one or more invitees."); *and*

- o *a meeting manager for managing each set-up meeting* (see at least
  column 3, lines 12-15: "The information that is provided is then taken by
  the system to determine whether that all of the selected invitees are
  available at the desired date, time, and duration.").

Claim 9:

Beckhardt discloses all the limitations of claim 8 as shown above. Furthermore,
Beckhardt, as shown, discloses the following limitations:

- *wherein said meeting editor further comprises:*
  - o *a fulfillment request form manager* (see at least column 5, lines 32-43: "
    The system then compares the list of busy times generated from the
    user's availability information to determine whether the user is available or
    not, in step 106. The process may also consider other potential event
    times and dates with the busy time file to determine if an alternative time
    may be proposed. If all invitees can attend, in step 110, the system sends
    an invitation to the invitees to attend the event, for example, by electronic
    mail using the address stored for each invitee. The invitees may then
    either accept the invitation, at which point the system would update their
    respective calendar files with the new event, or if the invitation is declined,
    the system notifies the requester." and column 7, lines 16-20: "When the

user has been presented either with a time interval with no conflicting busy

time or a best fit time interval and selects that time interval, the system

then generates an invitation to the invitee."); *and*

- o *a reporter* (see at least column 5, lines 32-43: "The system then

     compares the list of busy times generated from the user's availability

     information to determine whether the user is available or not, in step 106.

     The process may also consider other potential event times and dates with

     the busy time file to determine if an alternative time may be proposed. If all

     invitees can attend, in step 110, the system sends an invitation to the

     invitees to attend the event, for example, by electronic mail using the

     address stored for each invitee. The invitees may then either accept the

     invitation, at which point the system would update their respective

     calendar files with the new event, or if the invitation is declined, the system

     notifies the requester." and column 7, lines 16-20: "When the user has

     been presented either with a time interval with no conflicting busy time or

     a best fit time interval and selects that time interval, the system then

     generates an invitation to the invitee.").

Claim 10:

Beckhardt discloses all the limitations of claim 6 as shown above. Furthermore,

Beckhardt, as shown, discloses the following limitations:

- ***wherein the at least one meeting manager comprises at least one selected from the group consisting of an attendance listing manager, an invitee listing manager*** (see at least column 4, lines 49-56: "GUI display unit 312 is responsible for presenting views to the user as described above with respect to FIGS. 5-9 and for receiving input from the coordinator regarding the requested event date, time, duration, and invitees."), ***a speaker listing manager, task listing manager, and a security listing manager***.

Claim 11:

Beckhardt discloses all the limitations of claim 6 as shown above. Furthermore, Beckhardt, as shown, discloses the following limitations:

- ***wherein the planning system is a distributed network application*** (see at least Figure 1 and corresponding text, column 2, line 66 – column 3, line 2: "The invention relates to an electronic calendar system with group scheduling that may be provided in, for example, a client/server architecture. The client/server connection may be a networked connection or a dial-up link; Column 3, lines 59-66, "Database 200 may be accessed by one or more servers 204 over a network. User systems 206 may be connected to the servers for providing requests of the servers. Each user system 207 may comprise a computer system connected over a network to one or more other users and to one or more servers. User systems 206 may also be connected over an intranet or over the internet to one

or more other systems. According to an embodiment, user system 207 may be

distributed at various locations or domains).

Claim 13:

Beckhardt discloses all the limitations of claim 6 as shown above. Furthermore,

Beckhardt, as shown, discloses the following limitations:

- ***wherein said at least one tracker comprises at least one database for each***

  meeting (see at least column 12, lines 31-33: "Within the framework of the C&S

  architecture, a user's calendar information is stored alongside his or her mail

  information in a common data store." and column 3, lines 5-58: "… Database 200

  may then comprise an up-to-date collection of the availability information from

  those electronic mail files collected from some or all of the servers 204 on the

  system …").

Claim 14:

Beckhardt discloses all the limitations of claim 13 as shown above. Furthermore,

Beckhardt, as shown, discloses the following limitations:

- ***wherein the at least one database comprises at least one data attribute***

  selected from the group consisting of a meeting code for the meeting, and

  at least one of a meeting date, a meeting time, a meeting type, a meeting

  status, a meeting number and a client meeting number (see at least column

  3, lines 5-58: "… FIG. 1 depicts a system according to an embodiment of the

present invention. According to this embodiment, the system of FIG. 1 may

comprise one or more databases 200 having stored thereon one or more profiles

202, one or more calendar files 210 and one or more name and addresses files

212 ...").

Claim 15:

Beckhardt discloses all the limitations of claim 14 as shown above. Furthermore,

Beckhardt, as shown, discloses the following limitations:

- ***wherein the at least one database further comprises data attributes of the***

   at least one speaker and the venue, and wherein at least one of the at least

   one speaker and the venue are relationally linked to at least one of the

   meeting code and the meeting date (see at least column 3, lines 5-21:

   "Specifically, when a coordinator of an event desires to schedule the event using

   the system according to an embodiment of the present invention, the coordinator

   specifies the date, time, duration and selects one or more invitees. Invitees, as

   detailed below, may comprise users, resources (such as computer equipment,

   for example), or rooms, for example ... Stored with each name and address file is

   a calendar file and a profile for a plurality of potential invitees.").

Claim 16:

Beckhardt discloses all the limitations of claim 14 as shown above. Furthermore,

Beckhardt, as shown, discloses the following limitations:

- ***wherein the venue is relationally stored in the at least one database as one of a pending status and a confirmed status*** (see at least column 12, lines 1-7: "Invitees may accept the event invitation, decline the invitation, propose another event time, or delegate a substitute to attend. Accepted events are automatically posted to the user's calendar. This event status information is made available in graphical form to the event coordinator with just the click of a mouse." and column 8, lines 3-7: "Other shading/coloring or other graphical indications may be used in the boxes listing the individual names and/or graphical time bar to indicate "Free Time," "Busy Time," "OK," "Conflict," or "Other" status indicators.").

Claim 21:

Beckhardt discloses all the limitations of claim 6 as shown above. Furthermore, Beckhardt, as shown, discloses the following limitations:

- ***further comprising a finance tracker*** (see at least column 11, lines 51-54: "There is also integration with desktop applications. For example, if an upcoming event requires review of a proposed budget, a linked spreadsheet is available for review with the click of a mouse directly from any Organizer entry.").

Claim 22:

Beckhardt discloses all the limitations of claim 21 as shown above. Furthermore, Beckhardt, as shown, discloses the following limitations:

- ***wherein said finance tracker tracks expenses relating to at least one of the at least one meeting*** (see at least column 11, lines 51-54: "There is also integration with desktop applications. For example, if an upcoming event requires review of a proposed budget, a linked spreadsheet is available for review with the click of a mouse directly from any Organizer entry.").

Claim 24:

Beckhardt discloses all the limitations of claim 6 as shown above. Furthermore, Beckhardt, as shown, discloses the following limitations:

- ***wherein said tracker comprises a contacts database*** (see at least column 3, lines 5-58: "Name and addresses files 212 may comprise a list all of the names and electronic mail addresses for a plurality or all of the users on an electronic calendar system. A name and address file may be created for each invitee. For example, conference rooms, equipment, and other resources may be included as invitees.").

Claim Rejections - 35 USC § 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

18.   Claims 12, 23, and 25 rejected under 35 U.S.C. 103(a) as being unpatentable

over Beckhardt et al. (US-PAT-NO: US 6,085,166 A).

Claim 12:

Beckhardt discloses all the limitations of claim 6 as shown above. Beckhardt

does not disclose the following limitations:

- ***wherein said meeting editor comprises at least one dynamic link library***

   and at least one html template.

Beckhardt discloses a web server and browser and Windows platform (see at

least column 4, lines 50-51: "GUI display unit 312 may A comprise a web browser, for

example." and column 11, lines 9-12: "Also, Web server and browser technology that

allows users to access calendar information across the Internet is incorporated in the

present invention." and column 11, lines 24-28: "The invention has full feature/function

parity for all major GUI client platforms, including Windows.RTM. 3.1, Windows 95,

Windows NT, OS/2, Macintosh.RTM., and UNIX.RTM.. All major server platforms are

similarly supported.") but does not explicitly recite dynamic link libraries and html

templates.

However, Official Notice is taken that using DLLs to store commonly used

subroutines and HTML templates are old and well known in the art of programming in a

Windows environment utilizing web technologies. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to use a dynamic

link library and HTML templates as they are the predominant, readily available

development tools, and provide programming modularity with a plurality of generic

graphical interfaces.

Claim 23:

Beckhardt discloses all the limitations of claim 22 as shown above. Beckhardt

does not disclose the following limitations:

- *wherein said finance tracker tracks a type of each expense, a status of*
  each expense, and estimated amount of each expense, and an actual
  amount of each expense.

Beckhardt discloses finances tracking (see at least column 11, lines 51-54:

"There is also integration with desktop applications. For example, if an upcoming event

requires review of a proposed budget, a linked spreadsheet is available for review with

the click of a mouse directly from any Organizer entry.") but does not explicitly track a

type, status, estimated and actual amount of each expense.

However, Official Notice is taken that tracking a type, status, estimated amount,

and actual amount for each expense is old and well known to those of ordinary skill in

the art. Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to include a type, status, estimated amount, and actual amount for

each expense in the budget spreadsheet disclosed by Beckhardt in order to accurately

capture the finances associated with a planned event, and further to provide financial

accounting information in compliance with generally accepted accounting principles.

Claim 25:

Beckhardt discloses all the limitations of claim 24 as shown above. Furthermore,

Beckhardt, as shown, discloses the following limitations:

- ***wherein the contacts database comprises a name, address,*** (see at least

  Figure 1 and corresponding text and column 1, lines 60-64: "It is another object

  of the invention to provide an electronic calendar with group scheduling that may

  automatically coordinate scheduling of invitees, where the invitees name/address

  (or equivalent information) resides on multiple servers.") ***of at least one of an***

  invitee, an attendee, a speaker, a host, a venue, a moderator, and an audio-

  visual supplier for at least one of the at least one meeting.

Beckhardt does not disclose the following limitations:

- ***wherein the contacts database comprises a phone number ...***

However, Official Notice is taken that including a phone number in a contacts

database is old and well known to those of ordinary skill in the art. Therefore, it would

have been obvious to one of ordinary skill in the art at the time of the invention to

include a telephone number in either the "name and address" or "user profiles" files of

Beckhardt as having access to a phone number is an easy and quick method of

contacting a meeting invitee or attendee and further provides a more complete user

profile with information that provide alternative means that can be used to inform users

of pending or tentative meetings or events for consideration.

Conclusion

19.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PETER CHOI whose telephone number is (571)272-

6971. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 10, 2008

/P. C./
Examiner, Art Unit 3623
/Jonathan G. Sterrett/
Primary Examiner, Art Unit 3623